

City Council Special and Regular Meetings, November 13, 2001

Twin Pines Senior and Community Center, 1223 Ralston Avenue

SPECIAL MEETING: 6:45 P.M.

STUDY SESSION

Councilmembers Present: Cook, Warden, (6:50PM), Rianda, Hahn

Councilmembers Absent: Wright (7:15 P.M.)

Staff Present: City Manager Kersnar, City Attorney Savaree, Assistant City Manager Rich, Police Chief Janke, City Clerk Kern

Report on criteria for planning the New Police Facility/City Hall Project.

Assistant City Manager Rich and Police Chief Janke explained that the mission of this project was to provide a new police facility within the existing City Hall campus, improve customer access, improve efficiency and customer service. The range of alternatives included: 1). small facility - Essential Services; or, 2). large facility for whole Police Department. Assistant City Manager Rich reviewed and compared the two alternatives. He reported that the staff would seek Community input on the alternatives, and begin the Master Site Planning stage. He said they would also put this information on the City Web Site to obtain as much information from the community as possible. He explained that cost estimates from the bids would be used for discussion purposes with the community groups. He explained that following this input, the staff would return with options for a large facility, and a small facility, for Council's consideration.

Council discussed the location and the impacts. They requested that staff find out if other Cities rent out space in their City Hall facilities to the public.

Adjournment at this time, being 7:10 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting tape recorded and televised

Tape No. 508

REGULAR MEETING - 7:55 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Cook, Warden, Wright, Rianda, Hahn

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Acting Public Works Director Jones, Finance Director Fil,

Police Chief Janke, Human Resources Director Dolan, Principal Planner de Melo, Planner Ouse, IT Manager Harnish, City Clerk Kern.

REPORT FROM CLOSED SESSIONS HELD ON October 23, 2001.

Mayor Hahn announced that the City Council, by a vote of 5-0, authorized a settlement with John Curtis. The document has been signed by both parties and a copy is on file with the City Clerk.

PUBLIC/COUNCIL COMMENTS

C. Cook commended the 75th Anniversary Committee, especially the Co-Chairs Ms. Cheechov and Ms. King for the work they did on behalf of this month long event.

C. Warden complimented everyone on the recently held election campaigns. He stated he thought they were well run campaigns.

CONSENT CALENDAR

Approval of meeting minutes: Regular Meeting October 9, 2001 and Special Meeting October 16, 2001.

Approval of Warrant List Dated: October 19, 2001 in total amount of \$172,674.79 and dated October 26, 2001 in total amount of \$355,301.57 and dated October 29, 2001 in total amount of \$1,700 and dated November 2, 2001 in total amount of \$549,719.08.

Written Communication 1). Rec. 10/18/01 PG&E notice of filing Applic. proposing a Market Structure and Rules for the Northern CA natural Gas Industry for the period beginning 1/1/03 per Commission Decision 01-09-016.

Motion to approve Claims Management Report.

Motion to waive reading of Ordinances.

Motion to approve City Manager's Goals for 2001-02.

Resolution No. 9110 approving the First Amendment to the Employment Agreement between the City of Belmont and Jere A. Kersnar as City Manager.

Resolution No. 9111 approving a Professional Services Agreement with Harris & Associates to provide Project Management Services on the Police Facility/City Hall project, for an amount not to exceed \$114,000.

Motion to approve Criteria for planning the New Police Facility/City Hall Project.

Resolution No. 9112 accepting work, approving Contract Change Order #1 and Authorizing Issuance of a Notice of Substantial Completion for the 2133 Lyon Avenue Storm Drainage Improvement Project, Casey Construction, CCN 436.

Resolution No. 9113 establishing a policy for Code Enforcement.

Resolution No. 9114 approving a Permanent Encroachment Agreement for two retaining walls within the public right of way at 2927 San Juan Boulevard (Owner: Ms. Chapman; APN: 043-202-030).

Resolution No. 9115 accepting work, approving Change Order Number 1 and authorizing Notice of Completion for Lodge Building Renovation, City Contract No. 420.

Action: on motion by C. Warden, seconded by C. Cook, and approved unanimously, by show of hands to adopt the Consent Calendar.

PUBLIC/HEARINGS

Public Hearing to consider a Mitigated Negative Declaration of Environmental Significance, General Plan Amendment and Zone Change, to allow construction of a 51,072 square foot, 108-room Extended Stay America hotel on a 1.35-acre site currently occupied by an indoor soccer facility and billiard/recreation club. General Plan Designation proposed to be amended from Light Industrial to Highway Commercial; Zoning Designation proposed to be amended from Limited Manufacturing (M-1) to Highway Commercial (C-3) (Application No. 01-0056); APN: 040-371-040; CEQA Status: Mitigated Negative Declaration. Freiheit and Ho Architects (Applicant); Donald J. and Marilyn Scranton Trust (Owner)

Planner Ouse explained that this hotel project consisted of 108 rooms on 58,806 square feet, with 108 parking spaces. She said the Planning Commission recommended adoption of the Mitigated Negative Declaration, General Plan amendment, and Zone Change. She indicated that there were no written or public comments submitted. She said Highway Commercial was the most compatible designation for this proposed hotel use. Planner Ouse noted that this designation would also meet the criteria for the Land Use Element Policy.

Mr. Rodine, 1059 Monterey Avenue, Foster City, Extended Stay of America, stated that the owners of the Soccer Facility and the Players Club were present to answer questions. He stated that they concurred with all the stated conditions of approval. Mr. Rodine urged Council to approve this project, accept the proposed offer of mitigation for the loss of the indoor soccer field, and noted the new Transit Occupancy Tax revenue for the City.

Mayor Hahn opened the public hearing.

Mr. Fernando, Owner, Players Billiards Club, explained that he had opened the Players Club seven years ago, but had found that it was difficult to run a profitable business. He said they had developed some security issues over time, and now was the time to close this business, because most of his staff commuted long distances to work, which made staffing unstable.

Mr. Kuhner, Power Play Soccer, explained that the Belmont clientele had dropped over this past year by 10.2%. He explained that all the employees commuted from outside this area to work. He said that they had decided that they would close by the end of the year because rents had continued to climb, and they could not make a profit.

On motion by C. Warden, seconded by C. Wright, and approved unanimously, by show of hands to close the public hearing.

Action: on motion by C. Warden, seconded by C. Rianda, and approved unanimously, by show of hands to adopt:

Resolution No. 9116 adopting a Mitigated Negative Declaration of Environmental Significance for a 108-Room Extended Stay America Hotel at 120 Sem Land, (APN 040-371-040) (Appl. No. 01-0056).. with additional mitigation added by Police Chief calling for a Security Plan to be submitted before Certificate of Occupancy was given.

Action: on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands to adopt:

Resolution No. 9117 approving a General Plan Amendment to Change the Designation of 120 Sem Land (APN 040-371-040) from Light Industrial (LI) to Highway Commercial (CH) (Appl. No. 01-0056)

Action: on motion by C. Rianda, seconded by C. Wright and approved unanimously, by show of hands to Introduce Ordinance to rezone certain Property at 120 Sem Lane from Limited Manufacturing (M-1) to Highway Commercial (C-3) (Appl. No. 01-0056; 2nd reading and adoption on 11/27).

Recess at this time being 8:05 P.M.

Reconvene at this time, being 8:10 P.M.

Public Hearing to consider a Resolution of the City Council of the City of Belmont accepting \$100,000 from the State of California Citizens Option for Public Safety (COPS) Program and augmenting the Supplemental Law Enforcement Services that amount.

Police Chief Janke explained that approval had been given last year to use this funding to cover the cost of one additional Police Officer and a Community Service Officer. He stated that because of negotiated salary increases there was an estimated difference of \$13,534 between the amount of the grant, and the total expenditure for the sworn officer . Police Chief Janke said this amount would be covered by salary savings from unfilled positions.

Mayor Hahn opened the public hearing.

On motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands to close the Public Hearing.

Action: on motion by C. Warden, seconded by C. Cook, and approved unanimously to adopt:

Resolution No. 9118 accepting \$100,000 from the State of California Citizens Option for Public Safety (COPS) Program and Augmenting the Supplemental Law Enforcement Services Fund in that Amount.

OLD BUSINESS

Consideration of Resolution authorizing the execution and delivery of an Installment Purchase Agreement, a Bond Purchase Agreement and an Official Statement, and Authorizing Certain Related Matters and Joint Powers Financing Authority Resolution Authorizing the execution and delivery of, an indenture, an installment purchase agreement, A Bond Purchase Agreement and an official Statement and Authorizing certain related matters. (Jt. Meeting with Joint Powers Financing Authority)

Finance Director Fil explained that staff had been working for over two years to bring this \$7.5 million bond sale to Council for approval. He stated that these bonds would pay for the capital improvements in the sewer and storm drain enterprise operation. He said that two years ago, the rates had been converted to a usage based sewer system, which allowed the fees to increase to help pay for the debt service on a future bond issue. Finance Director Fil explained that after discussions with the Finance Commission, it was decided that two bond issues of \$7.5 million each was more efficient. He said the FY2002 budget included \$5million in bond proceeds, plus the capital improvements. He said these revenue bonds were commonly sold for these types of projects. He explained that this issuance included an installment purchase agreement between the Joint Powers Financing Authority and the City of Belmont, and reported that the Joint Powers Financing Authority would pay the debt service from the pledged sewer charges from the City. Finance Director Fil explained the process for adoption of both Resolutions which would authorize an agreement between the two agencies; issue an official statement to be used to explain and sell the bonds; and authorize various City staff to execute bond documents to sell the bonds. Finance Director Fil said the Resolution adopted on the Financing Authority side was the authorization to sell the bonds and this action would be completed in early December.

Mr. Schafer, Fieldman, Rolapp & Associates, reviewed the actions taken to date and explained this phased plan would allow improvements at a rate of \$2.5 million a year for three years, for rehabilitation of the system. Mr. Schafer explained the various bond debt alternatives they had presented to the Finance Commission. He noted that they expected the interest rate would be less than 5%, and the annual debt service would be approximately \$465,000 per year.

Attorney Casnocha, Stradling, Yocca Carlson & Rauth, explained the actions to be taken and indicated that the revenue document, used to sell the bonds to potential buyers, was being fine tuned by the bond team. He noted that the debt service would be taken from the Sewer Enterprise Fund.

Finance Director Fil explained there would be a Notice of Bids on November 20th; bond opening on December 5th; and close on December 19th. He stated that there would be two bond sales for \$7.5 million: in Year 2001, and in Year 2004.

In response to C. Warden, Finance Director Fil stated that the Legal Statement was being prepared in-house. He stated that the Bond Team and the City Treasurer had been reviewing this Statement and copies were available for review in the Finance Department.

Action: on motion by C. Cook, seconded by C. Warden, and approved unanimously, by show of hands, to adopt:

Resolution No. 9119 authorizing the execution and delivery of an installment purchase agreement, a Bond Purchase Agreement and an Official Statement and Authorizing Certain Related Matters.

Action: on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands, to adopt:

Resolution No. Joint Powers Financing Authority 2001-1 authorizing the execution and delivery or, an indenture, an installment purchase agreement, a Bond Purchase Agreement and an Official Statement and Authorizing Certain Related Matters.

Consideration of a Resolution approving a Permanent Encroachment Agreement for the Construction of seven (7) Retaining Walls within the Public Right-of-Way at 3229 Upper Lock Avenue (APN: 043-122-100, Mr. Aubain; cont'd from 10/9)

Acting Public Works Director Jones explained that this project had been reviewed, and all the walls to be constructed would be issued under one permit. He explained that the ongoing work was approved corrective action. He reported that Council had determined last year that the public benefit for this project was providing stability on site, and that a sidewalk would create a parking hazard.

Community Development Director Ewing stated that this project had been constructed to Code and there were very few modifications. He said because of the change in the engineering report the driveway had to be reconfigured to a 20% slope. The applicant was required to regrade the existing driveway to meet this requirement, and to reface the concrete finish on the retaining walls before issuance of a final building approval. Community Development Director Ewing explained that the gas and electric meters were located at the discretion of P G&E, and because of the slope constraints, a retaining wall was required.

City Manager Kersnar stated that he would like Council to discuss encroachment permits as a policy issue. Some time in the near future. He said it appeared to him that the City was facilitating private development on the right-of-way.

Community Development Director Ewing stated that one way to overcome this problem would be to require an applicant to build his entire project within the envelope of the property, with no encroachment onto the City right-of-way.

Mr. Marshall, 3250 Upper Lock Avenue, expressed continuing concerns with this project which he outlined in his letter. (On file in the Clerk's office).

Mr. Bukowski, 3233 Upper Lock Avenue, expressed his concern about the material on the retaining wall next to his home, that had not been corrected, and he would like the dirt and plants that were removed from his yard replaced.

Ms. Wieser Hogan, 1141 Farragut Boulevard, Foster City, stated this was her new home and she and her family were anxious to move here to be part of this community.

Mr. Chevarria, J.C. Engineering, reviewed the project and stated that the changes that had been made to their plans had been at the request of the City. He said Mr. Aubain was working hard to mitigate all the concerns of the staff and the neighbors.

Following discussion, Council requested a condition be added to the encroachment permit that the Planning Commission shall approve a landscape plan to be installed before final sign-off of the encroachment permit. The Plan shall include replacement of soil and plant materials removed from adjacent parcels.

Action: on motion by C. Wright, seconded by C. Warden, and approved unanimously, by show of hands to adopt:

Resolution No. 9120 approving a Permanent Encroachment Agreement for the Construction of Seven (7) retaining walls within the Public Right-Of-Way at 3229 Upper Lock Avenue, APN 043-122-100 (Aubain).

NEW BUSINESS

Introduction of Ordinance approving an amendment to the Floodplain Management Regulation, Article IX, Section. 7.

City Attorney Savaree reported that this amendment was necessary to bring our Ordinance into compliance with current practice. This language would address the technical information that has been gained over the recent years.

Action: on motion by C. Warden, seconded by C. Cook, and approved unanimously, by show of hands, to Introduce Ordinance approving an amendment to the Floodplain Management Regulation, Article IX, Section 7 (2nd reading and adoption on 11/27).

Introduction of Ordinance amending Chapter 16, two new seats for Youth Representation on the Parks and Recreation Commission

Parks and Recreation Director Mittelstadt explained that the Parks and Recreation Commission was recommending that two youth commission seats be added to the Commission for a total of nine members. He reported that during a Joint Meeting Council concurred that the Commission form a subcommittee to survey various cities to determine the involvement of youth, in various governmental activities. Parks and Recreation Director Mittelstadt stated that the criteria included: 1). average age between 13 and 17 years old; 2). Belmont resident; 3). parental consent and 4). one year term.

Ms. Barber, 935 Old County Road #7, Parks and Recreation Commissioner, said that the challenges that the subcommittee worked with, was how to integrate the youth expertise, and to provide them an opportunity to be full active voting members, and be mentored by the current commission. Ms. Barber said she was pleased to make this recommendation at this time.

Mr. Singer, 2003 Arbor Avenue, Parks and Recreation Commissioner, stated that the feedback he had heard indicated that the youth are being under served in the community. He said that by appointing youth to the commission, it would assure that their issues would be brought to the commission along with a critique from the teenager's perspective. He said that the cities that were surveyed had very positive feedback on what the youth brought to the commissions.

C. Warden stated his concerns about the youth commissioners voting privileges.

C. Hahn stated that she was concerned about the imbalance caused by the one year term and full voting privileges for each youth member.

C. Wright, Rianda and Cook agreed the youth members should have full voting privileges. They agreed that giving them voting rights would empower them to take this responsibility seriously.

Action: on motion by C. Wright, seconded by C. Rianda, and approved by show of hands, 4-1 (Hahn, no), to Introduce Ordinance amending Chapter 16, two new seats for Youth Representation on the Park and Recreation Commission . (2nd reading and adoption on 11/27).

ADJOURNMENT at this time, being 9:55 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting Tape Recorded and Televised

Tape No. 508